

## CHAPTER 78

### GINSENG HARVESTING AND SALE

**571-78.1(456A) Definitions.** As used in this rule:

“*Cultivated ginseng*” means ginseng that is artificially propagated and maintained under controlled conditions, for example, in intensively or intermittently prepared or managed gardens or patches, under artificial or natural shade.

“*Dealer*” means anyone who purchases and sells wild or cultivated ginseng.

“*Department*” means the Iowa department of natural resources.

“*Director*” means the director of the Iowa department of natural resources or a designee.

“*Ginseng*” means dry root, live root, seeds, or other parts of American ginseng (*panax quinquefolius*) that is cultivated or wild.

“*Grower*” means a person who grows cultivated ginseng and who sells cultivated ginseng to a dealer.

“*Harvester*” means any person who harvests wild ginseng and sells it, but does not purchase ginseng.

“*Wild ginseng*” means ginseng that is not grown or nurtured by a person beyond planting of local seed at the site of collection.

“*Woods-grown ginseng*” means ginseng that has been nurtured in any way by humans, including but not limited to watering, weeding, use of pesticides, soil tillage and fertilization; considered to be cultivated ginseng.

**571-78.2(456A) Season for legal harvest.** Persons may dig American ginseng, either wild or cultivated, for the purposes of marketing from September 1 through October 31 of each year.

**571-78.3(456A) Ginseng permits.** Ginseng growers’ permits, wild ginseng harvester’ permits shall be issued by the Electronic License System of Iowa (ELSI). Ginseng dealer’s permits shall be issued upon filing of an application provided by the department and accompanied by the appropriate permit fee.

**78.3(1) Free grower permit.** Growers of cultivated ginseng are required to obtain an annual permit, for which there is a \$1 administrative charge. This permit shall be valid for five years from the date of issuance.

**78.3(2) Wild ginseng harvester’s permit.**

A. Every harvester of wild ginseng must have in possession a valid permit to harvest wild ginseng for the current harvest season when harvesting, possessing or transporting wild ginseng. No person, while harvesting, shall carry or have in possession any wild ginseng harvester’s permit issued to another person.

B. Wild ginseng harvester’s permits shall be issued through the ELSI terminals and paying a permit fee of \$10 plus an administrative fee. **The purchase period shall be from December 15 through October 31 of each year.**

C. **The wild ginseng harvester’s permit shall be valid from September 1 through March 15 of the following year, both dates inclusive.**

D. Harvesters with valid Iowa ginseng harvesters’ permits may sell wild ginseng from September 1 of the year harvested through March 15 of the year following harvest.

E. The wild ginseng harvester’s permit shall include the applicant’s signature, address, description and such other facts as may be required by the department.

F. Harvesters with valid Iowa ginseng harvester’s permits may retain no more than four ounces of dry wild ginseng for personal consumption for one year beyond the expiration date of the permit.

**78.3(3) Ginseng dealer’s permit and registration.**

A. All persons who buy and sell wild or cultivated ginseng in Iowa shall have a valid dealer’s ginseng permit in their own name, except for paid employees or family members of a licensed dealer who are working at the dealer’s primary place of business as indicated on the dealer permit. The dealer’s permit is used to register the dealer with the department.

B. Ginseng dealers’ permits shall be issued upon filing of an application accompanied by a \$100 permit fee with the department.

C. The ginseng dealer's permit shall be valid from September 1 until August 31 of the following year.

D. The ginseng dealer's permit application must be filed with the department at least 15 days prior to the beginning of the legal harvest season in Iowa.

**571-78.4(456A) Dealer's records.** Each permitted ginseng dealer shall keep an accurate and complete record in the English language of each cultivated or wild ginseng purchase or sale. Forms for these records shall be provided by the department. A copy of each record shall be kept for a period of three years after the expiration of the dealer's permit.

**78.4(1)** The dealer's record of each ginseng purchase shall include:

- a. Date of purchase;
- b. Name and address of seller;
- c. Harvester's permit number of dealer's permit number of seller;
- d. Dry weight of ginseng root purchased;
- e. Name of county where purchased ginseng was harvested if purchased from a harvester with a valid harvester's permit;
- f. Such additional information as may be requested by the department.

**78.4(2)** the dealer's record of each ginseng sale of cultivated or wild ginseng shall include:

- a. Date of sale;
- b. Name and address of buyer;
- c. Dry weight of ginseng root sold;
- d. Year in which the ginseng sold was harvested;
- e. Such additional information as may be requested by the department.

**78.4(3)** Each permitted dealer shall submit an annual report to the department on forms provided by the department for all purchases and sales of cultivated and wild ginseng. These reports shall be submitted to the department by April 15. These reports shall cover all sales and purchases from September 1 of the year of the harvest through March 31 of the following year.

**78.4(4)** Each dealer must submit a report to the department which inventories all cultivated and wild ginseng remaining in the dealer's possession after March 31. Any roots remaining with the dealer shall be weighed and certified by the dealer. The report shall be submitted to the department by April 15 of each year even if the dealer no longer has any ginseng roots in possession. The dealer shall keep copy of the inventory report and record all future sales of the roots listed in the report. The dealer shall submit an amended annual report to the department within 30 days of the sale of all ginseng roots listed in the inventory report.

**571-78.5(456A) Certification of shipments.**

**78.5(1)** Shipments of cultivated and wild ginseng to points outside the state of Iowa by growers, harvesters and dealers shall be accompanied by a certificate of origin (shipping certificate). Shipping certificates are the certification of legal taking. Shipping certificates shall be based upon the permit holder's cultivation, harvest, purchase and sales records and made by the permit holders on forms provided by the department. Shipping certificates for wild ginseng will be issued by state personnel or their agents after the root has been weighed and certified at one of the locations designated by the department.

**78.5(2)** Shipping certificates shall be issued free to grower and dealer permit holders and for a fee of \$5 for each certificate to holders of harvester permits.

**78.5(3)** Shipping certificates are serially numbered and valid only for the period of time listed on the certificate.

**78.5(4)** Permit holders accepting shipping certificates from the department shall be required to account for the disposition of each form issued to them.

**571-78.6(456A) Inspection.**

**78.6(1)** Any permit issued under this chapter shall be shown to employees of the department upon request.

**78.6(2)** Any records required by this chapter to be maintained or submitted shall be produced for inspection upon request of employees of the department.

**78.6(3)** Failure to maintain records or to submit reports as required may result in the denial of the issuance of future permits.

**78.6(4)** Any violation of Iowa Code section 456A.24 or these rules is cause for revocation of any permit issued under authority of these rules.

**571-78.7(456A) Restrictions.** Wild ginseng plants shall be harvested only if they possess three or more true leaves (“prongs”). When harvesting wild ginseng, harvesters shall plant all seeds from harvested plants within 100 feet of the parent plants. Seed from wild ginseng may not be sold or transplanted away from the site of the parent plant. Iowa State Parks are closed to ginseng digging.

## **CHAPTER 54 RESTRICTION ON REMOVAL OF PLANT LIFE**

**571-54.1(111) Mushrooms and asparagus.** Lands under the jurisdiction of the commission shall be open for the taking of mushrooms and asparagus during the hours the areas are open to the public.

**571-54.2(111) Fruit.** Lands under the jurisdiction of the commission shall be open for the taking of all varieties of nuts, fruits, and berries unless signs are posted prohibiting such activity. Nut, fruit, and berry gathering shall be permitted only during the hours the areas are open to the public and shall not be permitted in state preserves unless otherwise allowed by the preserves management plan.

**571-54.3(111) American Ginseng.**

**54.3(1)** Lands under the jurisdiction of the commission except state parks and preserves shall be open for the taking of American ginseng (*Panax quinquefolius*) during the season established by 571-78.2(107).

**54.3(2)** When digging is done to collect ginseng, the earth is not to be unduly disturbed. The collector shall, immediately upon removal of the plant, restore the disturbed area as nearly as possible to its original condition.

**When wild ginseng is harvested which still retains the red berries, the harvester must plant the seeds within 100 feet of the parent plant. Planting may be accomplished by squeezing the seeds from the berries and planting the seeds about 6 inches apart and about 1/2 inch deep in the soil.**  
**IOWA STATE PARKS ARE CLOSED TO GINSENG DIGGING.**

## CERTIFICATION

All wild ginseng must be certified prior to being exported from the state at one of the four following Iowa Department of Natural Resources stations. Call ahead to set up an appointment to certify ginseng.

<u>PLACE</u>	<u>CONTACT</u>	<u>PHONE</u>
<u><i>For dealers or diggers:</i></u>		
Manchester Fish Hatchery	Sue O'Loughlin	(563) 927-3276
Green Valley State Park	Pat Taylor	(641) 782-7814
Lake Darling State Park	Ruth Ann Stacy	(319) 694-2430
Ames Nursey State Forest	Kandy Weigle	(515) 233-1161
<u><i>For dealers only:</i></u>		
Guttenberg Fish Hatchery	Kevin Hanson or Scott Gritters	(563) 252-1156

At the request of the U.S. Fish and Wildlife Service, the Iowa DNR must now collect data about the number of roots per pound of wild ginseng. Accordingly, visitors to the certification stations will be asked if they are willing to have a sample of their ginseng handled and weighed. Your cooperation is entirely VOLUNTARY, not a requirement. However, we would greatly appreciate it if you would consent to this measurement.